

Application No.: 09/707,194

Filed: 11/06/2000

Group Art Unit: 2173

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Regarding the application:

Title: Toolbar Manipulations

Priority: 11/06/2000

Number: 09/707,194

Examiner: Cao (Kevin) Nguyen

Appellant: Gary Odom

Art Unit: 2173

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BRIEF FOR APPELLANT

This is an appeal from the Examiner's December 8, 2003 final rejection.

1. REAL PARTY IN INTEREST

Gary Odom, appellant, is the real party in interest.

2. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

3. STATUS OF CLAIMS

Appeal is sought for rejection of claims 5, 7-8, 10-11, 13, 15-20. Claims 1-4, 6, 9, 12, 14 are or were canceled or withdrawn. Claim 4 was canceled after final rejection, but that cancellation was refused by Examiner. The rejection of claim 4 is not appealed.

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1 1. (previously withdrawn)

1 2. (previously withdrawn)

1 3. (previously withdrawn)

1 4. (canceled) Software from at least one computer-readable medium wrapping a toolbar.

1 5. (previously amended) Software from at least one computer-readable medium directly
2 altering the length of a tool group in a toolbar exclusive of editing any tools in said
3 group or altering the length of said toolbar.

1 6. (previously withdrawn)

1 7. (original) Software according to claim 5 contracting the length of a tool group to hide
2 at least one tool without a change in toolbar length.

1 8. (original) Software according to claim 7 by directly manipulating a tool group
2 divider.

1 9. (previously withdrawn)

1 10. (original) Software according to claim 5 expanding the length of a tool group to
2 reveal at least one previously hidden tool without a change in toolbar length.

1 11. (original) Software according to claim 10 by directly manipulating a tool group
2 divider.

1 12. (previously withdrawn)

1 13. (previously amended) Software from at least one computer-readable medium
2 directly merging two toolbars into one.

1 14. (previously withdrawn)

1 15. (previously amended) Software from at least one computer-readable medium
2 automatically rearranging at least one tool based upon relative usage frequency of tools
3 within a toolbar group.

1 16. (original) Software according to claim 15 preventing at least one tool from being
2 rearranged.

1 17. (previously amended) Software from at least one computer-readable medium
2 automatically rearranging at least one group of a tools on a toolbar based upon
3 aggregate usage frequency of tools within a tool group compared to another group.

1 18. (original) Software according to claim 17 preventing at least one group from being
2 rearranged.

- 1 19. (previously added) Software from at least one computer-readable medium directly
2 selecting and moving a group of tools within a toolbar.

- 1 20. (previously added) Software from at least one computer-readable medium directly
2 merging a group of tools on a toolbar with another group of tools.

4. STATUS OF AMENDMENTS

An amendment filed subsequent to final rejection canceled claim 4, and as well argued for the allowance of other pending claims. Examiner refused to enter the amendment into the prosecution record.

5. SUMMARY OF INVENTION

In early command line interfaces, a computer user would type a command for a computer to perform. The difficulty of remembering commands lead to evolution in command line interfaces to offer menus, where a user typed a number or letter corresponding to one of a list of commands shown on the computer screen at the time.

Graphical user interfaces evolved from command line interfaces to offer greater convenience and economy in usage. The paradigm was virtual replication of an office workspace: hence the computer screen became a "desktop", allowing user command execution by selection of items onscreen using a pointing device. The mouse became the predominant command input device, competing and ultimately supplanting the keyboard for user command input. The "point-and-click interface" had arrived.

The listed menus from command line interfaces transformed into drop-down (and pop-up) menus listing commands. Menu items required two clicks to access: one click to select the menu, another click to select the item representing the desired command.

Commands became actions as rigid modal commands dissolved to offering users free interaction with the computer.

Toolbars holding a variety of selectable tools were created to offer users one-click access to actions, again marginally improving productivity. And so tools in toolbars became a ubiquitous substitute for the most common actions that may also be selected via menus.

Menus became logically grouped into functional areas, such as "file", "edit", "view", "format", and "tools". Likewise, tools in toolbars were grouped. Tool groups provide logical structuring of tools by related functionality. Because of their logical grouping, tool groups afford users faster access and use of tools within toolbars.

As an example, in a further refinement to simplify usage for novices, users could control how many menu items appeared when a menu was selected: users could opt for a "short" menu, showing just the most commonly accessed menu items, rather than the full menu, which offered all possible commands. In retrospect, this may seem a modest improvement, but it is the claimed subject of U.S. patent 6,121,968.

U.S. patent history is replete with such incremental improvements in user interface technologies. Each such patented increment represented unanticipated improvement in user convenience and productivity. The subjects of the patent prior art cited against the appealed claims are themselves such incremental enhancements, as are the herein claimed improvements.

The claimed subject of invention of the present application is further evolution of productivity in toolbar usage, particularly customization of tool groups.

Some groups of tools, and tools within groups, may be more or less used. A user might naturally want to quickly arrange tool groups to personal preference, or even have tools and tool groups arranged automatically by usage, without the cumbersome procedures of the prior art.

Narrowing the width of a window with a toolbar in it may cause certain tools or groups of tools to become hidden. In the prior art, the user has no control over the tools which disappear in such an instance. The claimed technology overcomes that shortcoming.

Allowing users to optimize placement and usage of tool groups to maximize productivity in toolbar usage offers substantial convenience. Tool group manipulation is the subject of claims 5, 7-8, 10-11, 15-20.

Claims 5, 7-8, 10-11 go to altering the length of tool group exclusive of tool editing or altering toolbar length. Claims 15-18 go to rearranging tools within a group based upon usage frequency. Claim 19 goes to directly rearranging a group of tools within a toolbar. Claim 20 goes to merging two tool groups via direct manipulation of the groups.

Claim 13 allows user manipulation to directly merge two toolbars into one. Coupled with the wrap-around and tool grouping features disclosed, direct toolbar merging facilitates user convenience in quickly optimizing toolbar construction to personal preference.

6. ISSUES

There was but one issue in Examiner's December 2003 final rejection: 35 USC §102 anticipation by prior art.

7. GROUPING OF CLAIMS

From a viewpoint of patentability, of claims standing or falling together, there are two differentiable groups.

Claims 5, 7-8, 10-11, 15-20 comprise a first group, pertaining to functional tool groups. Claim 5 is exemplary.

Claim 13 comprises a second group, where two toolbars are merged.

8. ARGUMENT

In paper number 5, final rejection, Examiner cited 5,644,737 (Tuniman) as prior art anticipating claims 5, 7-8, 10-11, 13, 15-20.

Tuniman fails to even mention tool groups, and so utterly fails to anticipate the aforementioned claims. Applicant respectfully submits that Examiner was mistaken in

attributing Tuniman to even disclose separating tool groups within a toolbar; more particularly, the claimed manipulations were never mentioned.

Likewise, the 1993.08 IBM TDB previously cited by the Examiner describes editing a toolbar, adding and removing tools, without mention of tool groups.

6,133,915 (Arcuri) illustrates tool groups, but has nothing to say about them; tool addition and removal is the subject of the disclosure. Claims 5, 7-8, 10-11 explicitly exclude tool editing from the scope of the claims. Claims 15-20 are entirely unrelated to tool editing.

Claims 5, 7-8, 10-11, 15-20 are unanticipated in the prior art cited, and there is no known prior art that anticipates these claims. Applicant recently searched for patent prior art that may anticipate these claims, and found none.

As to claim 13, Tuniman fails to even use the word "merge" in its disclosure. The Examiner's cited passage in the disclosure, 10:34-67, is about auto-hiding and showing toolbars, not about merging them.

Applicant knows of no prior art that anticipates merging toolbars as claimed. None of the cited art to date appears to anticipate claim 13.

Applicant respectfully traverses rejection of the appealed claims with regard to the prior art, and respectfully submits that the claims should be allowed.

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Appellant does not request an oral hearing.

The \$165.00 fee per 37 C.F.R. § 1.17 (c) for filing this appeal brief is enclosed as a separate credit card form. Please charge any additional fees that may be required in connection with filing this appeal brief and any extension of time, or credit any overpayment, to the credit card on the enclosed credit card form. Thank you.

Respectfully submitted,



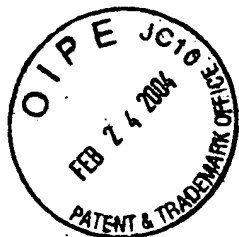
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Enclosed in triplicate is appellant's brief for the above-cited patent application. Appellant has written brief so as to conform to C.F.R. 1.192 (c), but the Examiner is reminded that C.F.R. 1.192 (c) states: "The brief shall contain the following items under appropriate headings and in the order indicated below unless the brief is filed by an applicant who is not represented by a registered practitioner."

Respectfully submitted,

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Date: February 24, 2004